**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FALKON TREASURES LLC, Plaintiff, v. **ADIDAS AMERICA, INC.,** Defendant.	CASE NO. 2:16-cv-653-JRG-RSP (CONSOLIDATED) (LEAD CASE) **PATENT CASE**

AGREED MOTION FOR AN EXTENSION FOR FALKON TREASURES LLC TO RESPOND TO DEFENDANTS' MOTION TO DISMISS (DKT. NOS. 15, 20, AND 22) AND A STAY PENDING RESOLUTION OF THE MOTIONS TO DISMISS

Plaintiff Falkon Treasures LLC ("Falkon Treasures") and Defendants adidas America, Inc., Burlington Coat Factory Direct Corporation, and The Limited hereby file this agreed motion requesting (i) an extension to September 27, 2016, for Falkon Treasures to respond to (a) Defendant Burlington Coat Factory Direct Corporation's Motion to Dismiss for Failure to State a Claim (Dkt. No. 15), (b) Defendant adidas America, Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. No. 20), and (c) Defendant The Limited's Motion to Dismiss for Failure to State a Claim (Dkt. No. 22) (collectively, "Motions to Dismiss"); and (ii) a stay pending resolution of the Motions to Dismiss. The three overlapping Motions to Dismiss contend that all claims of U.S. Patent No. 6,233,682 (the "'682 patent") are invalid under 35 U.S.C. §101 ("§101"). Falkon Treasures contends that an extension to September 27, 2016, is necessary so that it will have sufficient time to analyze the arguments in the three motions and file a consolidated response to the motions resulting in efficiencies for both the parties and the Court. Defendants originally proposed an extension to September 13, but now agree to an extension to September 27, 2016, in view of Falkon Treasures' agreement to join this motion to stay. In the event of a stay, the parties further request that the order excuse the parties from the discovery obligations under Local Rule CV-26(a).

In supports of this motion, the parties state as follows:

1. On June 16, 2016, Falkon Treasures filed complaints for patent infringement against adidas, Burlington, and Limited. The cases were consolidated by the Court for pretrial purposes. (Dkt. No. 8).

2. On August 11, 2016, Burlington filed Defendant Burlington Coat Factory Direct Corporation's Motion to Dismiss for Failure to State a Claim (Dkt. No. 15). On August 17, 2016, adidas filed Defendant adidas America, Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. No. 20) and Limited filed Defendant The Limited's Motion to Dismiss for Failure to State a Claim (Dkt. No. 22). The three overlapping Motions to Dismiss contend that all claims of the '682 patent are invalid under §101.

3. Falkon Treasures respectfully requests an extension to September 27, 2016, to respond to the Motions to Dismiss filed by adidas, Burlington, and Limited. Due to the serious nature of the motions which seek to invalidate all claims of the patent-in-suit, Falkon Treasures contends it requires the additional time to fully consider and respond to the issues raised in the motions. Furthermore, Falkon Treasures contends it requires the additional time to respond to the motions due to the schedule of its counsel. Counsel for Falkon Treasures was, and will be, responding to four motions in unrelated matters in the last week and over the next week, and will be traveling to the scheduling conference in this case and in another matter this week.

4. In addition, the extension will allow Falkon Treasures to file a consolidated response to the overlapping motions, which will result in efficiencies for both the parties and the Court.

5. As explained in Defendants' Motions to Dismiss, §101 motions were filed against the '682 patent in prior cases brought by a prior owner of the patent-in-suit and those cases were dismissed before the motions were decided. Defendants allege that the prior cases were dismissed to avoid a decision on the prior §101 motions. Falkon Treasures believes that the claims are valid under §101 and wants a resolution regarding Defendants' Motions to Dismiss.

6. The parties have therefore agreed to an extension to September 27, 2016, for Falkon Treasures to respond to the Motions to Dismiss. The parties further request a stay of the litigation pending resolution of the motions. If there is a stay, the parties furthermore request an order excusing the parties from the discovery obligations under Local Rule CV-26(a).

CONCLUSION

The parties therefore respectfully request that Falkon Treasures be granted an extension of time to September 27, 2016, to respond to Defendant Burlington Coat Factory Direct Corporation's Motion to Dismiss for Failure to State a Claim (Dkt. No. 15), Defendant adidas America, Inc.'s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. No. 20), and Defendant The Limited's Motion to Dismiss for Failure to State a Claim (Dkt. No. 22). The parties further request that the Court stay the case pending resolution of the Motions to Dismiss.

Dated: August 29, 2016

Respectfully submitted,

/s/David R. Bennett

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CERTIFICATE OF CONFERENCE

I certify that all parties communicated regarding the subject matter of this motion and the parties agree to the requested extension and the stay.

/s/David R. Bennett
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on August 29, 2016, via the Court's CM/ECF system.

/s/David R. Bennett
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